CGB CC 0087



DEC 2 7 2005
FCC - MAIL ROOM

9401 Shellabarger Road Bakersfield, CA 93312 1-661-588-8067

December 22, 2005

Federal Communications Commission Office of the Secretary Commission's Secretary CGB Room 3-B431 9300 East Hampton Drive Capitol Heights, MD 20743

Dear Sir or Madam:

My company, The Garden Party Network, is requesting an exemption to the Closed Captioning Requirements on the basis of the expenses associated with providing this service will impose an undue burden.

We are a local company based in Bakersfield, California. We produce a half-hour educational gardening program, The Garden Guru Show, in our local market. The program is non-scripted and usually provided to the local station KERO for airing within 1 to 3 weeks after the filming of the show. This keeps the program timely due to the seasonality of gardening and outdoor living. Our half-hour Garden Guru Program should be exempt based on the following reasons:

- 1. We have explored both roll-up and pop-on captioning. The cost to provide closed captioning is \$260.00 to \$475.00 per show as evidenced by the attached documentation.
- 2. We produce the show at a current cost of \$850.00 per show (Costs are attached). We produce 32 shows per year for a yearly cost of \$27,200.00. In addition, we have weekly airtime costs of \$440.00 per week or \$22,880.00 per year. Our total yearly production cost is \$50,080.00 not including talent time, staff costs etc. With this cost, the Closed Captioning alone will amount to 20% to 37% of the production budget. The cost of the closed captioning far exceeds the 2% limitation as stated in 79.1 (d) (11). This will indeed be a substantial and prohibitive cost.
- 3. We have 3 sponsors who pay \$250.00 per show. (See attached documentation). The total revenue is \$750.00 per show or \$39,000.00 per year. Our cash flow for this show is -\$11,080.00 per year. The addition of Closed Captioning will add an additional cost of \$8320.00 to \$15,200.00 per year.
- 4. Since the Garden Guru Show is produced and distributed by our company, there is no possibility of soliciting additional captioning assistance.

- 5. We are a small company that is not currently showing a profit. This is the only TV program that we produce and distribute. We have a small part time staff consisting of the 2 principle non-paid talents, a part time secretary as well as a production staff of 2 people that is contracted on a show by show basis. We also have a 2 hour Saturday radio show, The Garden Party, which produces no income. The program is supported by the contribution of the personal funds of the principles. We believe that if we can create a quality product that is both informative and entertaining, we will have success with syndication in the future. Our aim has always been to educate the viewer so they can be more successful and to be more able to enjoy American's number one hobby... gardening. At this time, the additional cost of Closed Captioning will place the further production of this show in jeopardy.
- 6. We have also looked at Live to Tape Captioning. The problem we have with this method is that due to the fact that we will from time to time give detailed technical information and names, the transcription will be very difficult if not impossible. This show is a locally produced and distributed non-news program and is of local public interest. The "electronic news room" technique of captioning is unavailable for this program.
- 7. We additionally explored language interpretation as a means to provide hearing impaired accessibility. However, since the program is non-scripted, and the show has many takes, the signing cannot be used without filming an entire second shoot which would be more expensive than any other option. We do, however, provide charts and graphics when ever possible.

We truly believe in the merits of Closed Captioning Program. If the show were able to increase revenue to support the costs associated with providing this service, we would be more than eager to include this vital function in our programming. At this time, however, producing the show with closed captioning will severely impact our operation.

We look forward to your answer on this matter. Please note we have filled out and have on file with our broadcast provider, the "Certification of Television Station of Program Compliance with FCC Closed Captioning Requirements" form.

Sincerely,

Jere White

The Garden Guru Show

MILLE



December 15, 2005

Gary

Fast Forward Video Services via email: gary@fastforward.net

Dear Gary:

It was a pleasure speaking with you today. Thank you for your phone call. CaptionMax would be delighted to provide captions for *The Garden Guru*. I am pleased to present the following information to you.

RATES (per program, discounted):

\$225 for roll-up captions

OR

\$325 for pop-on captions

Plus:

- \$100 for the first encoding (creating a captioned master)
- \$50 for each additional captioned master

Tapestock and Shipping:

- \$50 per 30M tape OR you are also welcome to send us blank, new stock to use.
- shipping is additional; you are welcome to provide a shipping account number for us to use.

CaptionMax also has grant funds for captioning and describing educational programs. Wide distribution (e.g. usually national) is required. If your series is eligible, I would be happy to request that our funds be used for your programming.

TURNAROUND

Typical turnaround is two to three days per program. Advance scheduling greatly helps to ensure a speedy turnaround.

CAPTIONMAX RECYCLES!

We permanently archive all caption files at CaptionMax, so they are easily retrieved for reformats. The files can also be sent as text files, and/or reformatted for DVD or web captions.

OTHER SERVICES:

- Multi-Language Captions / Subtitles
- Real-Time Captions (English And Spanish)
- Audio Description

Rates vary according to program length and number of episodes. Please contact me for a quote for your specific program or series.



441 North Varney Street Burbank CA 91502 www.captionmax.com

WHY CAPTIONMAX

CaptionMax has been providing quality captions for over a decade. We are proud of the rave reviews we have earned from our clients for our accurate captions and seamless project management. We also have a knowledgeable technical staff with a combined 40 plus years in the captioning industry.

CaptionMax is a preferred caption provider for most networks, including: A&E, ABC, ABC Family, APT, Bravo, CBS, CMT, Disney Channel, ESPN, FOX, FX, GSN, G4 Media, HBO, i, Lifetime, MTV, NBC, NETA, Nickelodeon, PBS, Sci Fi Channel, SpikeTV, THC, UPN, USA Network, VH1, the WB, and more.

CaptionMax is also active in the deaf and hard of hearing community. Our marketing manager, who is deaf himself, also manages our Consumer Advisory Board. Our Board is made up of deaf, hard of hearing, blind, and low vision people. They review our captions and audio description and provide feedback on how to improve our services. We value their insights as they help ensure we are best serving our ultimate customers.

Thank you for the opportunity to provide this bid. I am confident that by choosing CaptionMax, you are choosing the best in captioning services. I am really excited about the possibility of working with you and Century Productions on this series.

If you have any questions, please contact me at 818-295-6364; lisa@captionmax.com.

Sincerely,

Lisa Leids

Business Development Manager

Las Leids

CaptionMax – Burbank

818-295-6364

lisa@captionmax.com

From: Becky Isaacs [mailto:becky@abercap.com] Sent: Monday, December 19, 2005 11:07 AM

To: gary@fastforward.tv

Subject: Aberdeen Captioning pricing

Gary,

The following is the captioning pricing we discussed last week:

Option 1 - Roll-up captions

Complete Post-Production captioning *315 per program tape stock included transcript created 100% accurate, synced up with audio, moved around graphics, quality checked and final master recorded

*US Media Concepts is responsible for shipping to and from Aberdeen.

Option 2 - Roll-up captions

Complete Post-Production captioning CC file created to use with your NLE system \$260 per program transcript created 100% accurate, synced up with audio, moved around graphics, quality checked and .mov or .avi file created you would provide a compressed video file to our ftp site and we would create a .mov or .avi file to email back to you

Please let me know if you have any further questions.

All the best,

Becky Isaacs
Managing Partner
Aberdeen Captioning, Inc.
22362 Gilberto, Suite 230
Rancho Santa Margarita, CA 92688
ph. 949-858-4463 or 800-688-6621
cell 949-412-7337
fax 949-858-4405
becky@abercap.com

Please visit our informative website www.abercap.com



9401 Shellabarger Road Bakersfield, CA 93312 1-661-588-8067

Expenses:

Production:

Fast Forward Video

\$850.00 per show

Air Time:

Kero

\$440.00 per show

Total Expenses

\$1290.00 per show



Fast Forward Video Services 2518 Holladay Ave. Bakersfield, Ca. 93313 661.827.1869 661.827.9190 fax

Invoice

DATE	Invoice No.
11/8/05	12389

. CUSTOMER

Monji Enterprises 9401 Shellabarger Rd. Bakersfield, Ca 93312 fax 588-2874

				٥	UE DATE		P.O. NUMBER
		•			12/8/05		
!TEM	DESCRIPTION		QTY	′	RATE		AMOUNT
Field Shoot Video Editing Voice Over Copy-Beta-TV Guru Discount	Field Shoot 10/10/05 2 cameras Edit Session 10/11/05 Edit Session 10/17/05 Edit Session 10/19/05 Edit Session 10/19/05 Edit Session 10/25/05 Edit Session 11/1/05 Edit Session 11/1/05 Edit Session 11/7/05 Beta for Air-KERO			54362544111	100 100 100 100 100 100 - 100	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	1,000.00 400.00 300.00 600.00 200.00 400.00 400.00 100.00 0.00 -2,200.00
Garden Guru	BILL FOR	2 SHO	Subtot		ω.		1,700.00
"Patio Covers" S "Top 10 Trees"			7.25%				1,700.00
			Tot	al			1,700.00



Send Payment To: KERO P.O.Box 30640 Los Angeles, CA 90030-0640

Invoice # 46631-1	1	October 2005	Invoice Period 10/01/05 - 10/31/05
Advertiser	Produ	vd.	Estimate Number

Garden Items

ine	Start Date	End Date	Description	Start/End Time	MTWTPS5		Spots/ Week	Rate	Туре	Ch		
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Monji Enterprises

Total Spots

Gross Total

\$2,200.00

Agency Commission

\$0.00

Payment Terms 30 Days

Net Amount Due

\$2,200.00

BILL FOR 5 SHOWS

KERO
321 21st St
Bakersfield, CA 93301
Main: (661) 637-2323
Billing:

Billing Address:

Monji Enterprises Attention: Accounts Payable 9401 Shellabarger Road Bakersfield, CA 93309

Send Pzyment To: KERO P.O.Box 30640 Los Angeles, CA 90030-0640

Invoice#	Invo	ice Date	Invoice	Month	Invoi	ce Period
46631-1	10/3	31/05	Octobe	7 2005	10/0	1/05 - 10/31/05
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We warrant that the actual broadcast information shown on this invoice was taken from the program log.

Send Payment To: KERO P.O.Box 30640 Los Angeles, CA 90030-0640

Invoice #	invoice Date	Invoice Month	Invoice Period
48631-1	10/31/06	October 2005	10/01/05 - 10/31/05
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Advertiser .	Product	Estimate Number
Monji Enterprises	Garden items	

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	119 Su 10/09/05 See MG 5.176	Su 5A-5P		:00	·NM
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	123 Su 10/16/05 See MG 5.177	Su 5A-5P		:00	NM
	124 Su 10/16/05 See MG 5.177	Su 5A-5P		:00	NM
		Su 5A-5P		:00	NM

We warrant that the actual broadcest information shown on this invoice was taken from the program log.

KERO KER P.O.I

10/10/05

10/16/05

Send Payment To: KERO P.O.Box 30640 Los Angeles, CA 90030-0640

Invoice # 45631-1	 I	Invoice Period 10/01/05 - 10/31/06
	 	

Advertiser	Product	Estimate Number
Monji Enterprises	Garden Rems	

Spots/ Line Start Date End Date Description Start/End Time MTWTF5\$ Length Week Rate Type Ch Spots/Meek Start Date End Date NTWTFSS Rate 10/17/05 10/23/05 Day Air Date Spots: Air Time Description Start/End Time Length Ad-ID Rate Type Su 5A-5P Su 10/23/05 NM See MG 5,178 127 Su 10/23/05 Su 5A-5P :00 NM See MG 5.178 Su 10/23/05 Su 5A-5P :00 NM See MG 5,178 129 Su 5A-5P Su 10/23/05 .00 NM See MG 5,178 Su 10/23/05 Su 5A-5P :00 NM See MG 5.178 Weeks: Start Date End Date MTWTFSS Spots/Week Rate 10/24/05 10/30/05 ----5 Day Air Date Su 10/30/05 Spots: Air Time Description Start/End Time Length Ad-ID Rate Type Su 5A-5P 131 :00 Credited 132 Su 10/30/05 :00 Su 5A-5P NM Credit**ed** 133 Su 10/30/05 Su 5A-5P :00 NM Credited 134 Str 10/30/05 Su 5A-5P :00 NM Credited 135 Su 10/30/05 NM Su 5A-5P :00 Credited 12/25/05 Su 5-530p Su 5-5300 NM KERO 10 09/26/05 ----5 .30 MTWTF55 Weeks: Start Date End Date Spots/Week Rate 10/02/05 09/26/05 # Day Air Date 14 Su 10/02/05 Air Time Description Stan/End Time Spots: Length Ad-ID Rate Type :30 SPOTS IN SHOW-30 5:21 PM Su 5-530p Su 5-530p NM Start Date End Date MTWTFS5 Weeks: Spots/Week Rate 10/03/05 10/09/05 Start/End Time Length Ad-ID :30 SPOTS IN SHOW-30 Air Time Description # Day Air Date Rate Type NM Spots: 15 Su 10/09/06 5:06 PM Su 5-530p Su 5-530n Start Date End Date MTWTFSS 10/10/05 10/16/05 -----5 Weeks: Spots/Week Rate Start/End Time # Day Air Date Length Ad-ID Spots: Air Time Description Rate Type 30 SPOTS IN SHOW-30 16 Su 10/16/05 5:06 PM Su 5-530p Su 5-530p NM Weeks: Spots/Week Rate Air Time Description 5:06 PM Su 5-530p Day Air Date Start/End Time Spots: Length Ad-ID Rate Type Su 5-530p 17 Su 10/23/05 :30 SPOTS IN SHOW-30 Weeks: MTWTFSS Spots/Week Rate Air Time Description 5:06 PM Su 5-530p Spots: # Day Air Date Start/End Time Length Ad-ID Rate Type 18 Su 10/30/05 Su 5-530p :30 SPOTS IN SHOW-30 11 09/26/05 12/25/05 Su 5-530p Su 5-530p ----5 :30 NM KERO Stan Date End Date Weaks: MTWTFSS Spots/Week Rate 10/02/05 09/26/**05** ----5 Air Time Description Scots: Day Air Date Start/End Time Length Ad-ID Rate Type 10/02/05 Su Su 5-530p Su 5-530p :00 NM Credited Stan Date MTWTFSS Weeks. End Date Spots/Week Rate 10/03/06 10/03/05 ----S # Day Air Date 15 Su 10/09/05 Spots: Air Time Description Rate Type NM Start/End Time Length Ad-ID 15 Su 5:13 PM Su 5-530p :30 SPOTS IN SHOW-30 Su 5-530p Start Date Weeks: End Date MTWTFSS Spots/Week Rate

We warrant that the ectual broadcast information shown on this invoice was taken from the program log.



9401 Shellabarger Road Bakersfield, CA 93312 1-661-588-8067

Revenue:

Monji Enterprises Kern Turf Supply White Forest Nursery \$250.00 per show \$250.00 per show \$250.00 per show

Total Revenue

\$750.00 per show

SALES COPY



MONJI ENTERPRISES, INC. 9401 Shellabarger Rd. Bakersfield, CA 93312 Office: 661-588-8067 Fax: 661-588-2874 www.MonjiEnt.com

		INVOICE
Γ	DATE	JOB NO.
Τ	11/23/05	N/A

CUSTOMER

Kern Turf Supply 7000 Meany Avenue Bakersfield, CA 93308 Billing for: Garden Guru Television Sunday evening commercials.

DESCRIPTION	AMOUNT	
Week of: Aug 28- Sep 3 rd	\$250.00	
Week of: Sep 4-10 th	\$250.00	
Week of: Sep 11-17 th	\$250.00	
Week of: Sep 18-24 th	\$250.00	
Week of: Sep 25- Oct 1st	\$250.00	
Week of: Oct 2-8th	\$250.00	
Week of: Oct 9-15 th	\$250.00	
Week of: Oct 16-22 nd	\$250. 00	
Week of: Oct 23-29 th	\$250.00	
Week of: Oct 30- Nov 5 th	\$250.00	
Week of: Nov 6- 12th	\$250.00	
Week of: Nov 13-19 th	\$250.00	
Week of: Nov 20-26 th	\$250.00	
Due upon receipt.		
Make checks payable to Monji Enterprises.	TOTAL \$3,250.00	

REVENUE FROM KERN TURF

SALES



MONJI ENTERPRISES, INC.
9401 Shellabarger Rd.
Bakersfield, CA 93312
Office: 661-588-8067
Fax: 661-588-2874
www.MonjiEnt.com
MonjiEnt@sbcglobal.net

	INVOICE		
DATE	JOB NO.		
11/23/0	05 N/A		

CUSTOMER

White Forest Nursery 300 Morning Drive Bakersfield, CA 93306 Billing for: Garden Guru Television Sunday evening commercials.

DESCRIPTION	AM	AMOUNT	
Week of: Aug 28- Sep 3 rd	\$250.00		
Week of: Sep 4-10 th	\$250.00		
Week of: Sep 11-17th	\$250.00		
Week of: Sep 18-24 th	\$250.00		
Week of: Sep 25- Oct 1 st	\$250.00		
Week of: Oct 2-8th	\$250.00		
Week of: Oct 9-15 th	\$250.00		
Week of: Oct 16-22 nd	\$250.00		
Week of: Oct 23-29 th	\$250.00		
Week of: Oct 30- Nov 5th	\$250.00		
Week of: Nov 6- 12th	\$250.00		
Week of: Nov 13-19 th	\$250.00		
Week of: Nov 20-26 th	\$250.00		
Due upon receipt.		AA ADA 55	
Make checks payable to Monji Enterprises.	TOTAL	\$3,250.00	

REJENUE FROM WHITE FOROST